

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

Case Number: 03:99CR125-045 (JAF)

**EDWIN SANTIAGO-PAGAN
AKA: "Chivito"**

* * * * *

**MOTION NOTIFYING VIOLATIONS OF SUPERVISED RELEASE
REQUEST FOR THE ISSUANCE OF A SUMMONS**

**TO THE HONORABLE JOSE A. FUSTE
CHIEF UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, Sandra Vélez-García, United States Probation Officer of this Honorable Court, presenting an official report upon the conduct of Mr. Edwin Santiago-Pagán, who on September 11, 2000, was sentenced to eighty four (84) months of imprisonment to be followed by a five (5) year term of supervised release for a violation of Title 21, United States Code, Section 846—Conspiracy to possess with intent to distribute cocaine and heroin, a Class "A" felony. In addition to the thirteen (13) standard conditions adopted by the Court, a Special Monetary Assessment in the amount of \$100.00 was imposed. The following special conditions were also ordered: the offender shall participate in a vocational training and/or job placement program recommended by the U.S. Probation Officer, and shall submit to urine surveillance, if any such samples detect substance abuse, the offender shall participate in a substance abuse treatment program arranged and approved by the Probation Officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

1. MANDATORY CONDITION OF SUPERVISION: - “THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE OR LOCAL CRIME.”

On March 15, 2007, Mr. Santiago-Pagán was involved in a domestic violence incident that constitutes a violation of the Puerto Rico Law 54 for Domestic Violence. The offender was charged with violating Article 3.2 of the Law 54, for using physical violence against his consensual partner in the presence of a minor; daughter of the victim.

On November 6, 2007, the Court suspended all criminal procedures against Mr. Santiago-Pagán, and he was permitted the benefit of supervised release, subject to his participation, for a period of one (1) to three (3) years, in a treatment program for domestic violence aggressors.

On September 25, 2007, Mr. Santiago-Pagán started the treatment program at the “Instituto de Reeducción de Puerto Rico”, and was dismissed after four (4) consecutive absences. On January 12, 2008, he was re-admitted to the program, and was dismissed once more, on February 15, 2008, due to absenteeism. The local probation officer informed that they will recommend the Court to give Mr. Santiago-Pagán a new opportunity to continue treatment.

2. STANDARD CONDITION OF SUPERVISION NO. 11: - “THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER”.

Mr. Santiago-Pagán failed to notify to the U.S. Probation Officer that he was involved in a domestic violence case, and was charged with a violation of the Puerto Rico Law 54.

3. STANDARD CONDITION OF SUPERVISION NO. 2: - “THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH”; AND NO. 3: “THE DEFENDANT SHALL ANSWER TRUTHFULLY ALL INQUIRIES BY THE PROBATION OFFICER AND FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER”.

Mr. Santiago-Pagán has failed to timely submit the Monthly Supervision Report for more than a year. During this period, he has been given written and verbal instructions to submit the reports, but he has failed to follow these instructions.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct and unless the Court rules otherwise, it is respectfully requested the Court order the issuance of a summons for Mr. Santiago-Pagán, so that he may appear before this Honorable court to show cause why his supervised release term should not be revoked, thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 9th, of May 2008.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

Sandra Vélez-García

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 9th, 2008, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECR system which will send notification of such filing to the following:

U.S. Attorney's Office, Torre Chardón, Suite 1201, #350 Carlos Chardón Ave., San Juan, Puerto Rico and U.S. Public Defender Office, 241 F.D. Roosevelt, El Patio Gallery Bldg., San Juan, Puerto Rico.

At San Juan, Puerto Rico, May 9th, 2008.

S/ Sandra Vélez-García

Sandra Vélez-García

U.S. Probation Officer

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